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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,421	07/09/2001	Michael Barclay	2000.053700/TT4043	7362

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EXAMINER	
MOORTHY, ARAVIND K	

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/901,421	BARCLAY ET AL.	
	Examiner	Art Unit	
	Aravind K. Moorthy	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the arguments filed on 8 August 2006.

2. Claims 1-25 are pending in the application.

3. Claims 1-25 have been rejected.

Response to Arguments

4. Applicant's arguments filed 8 August 2006 have been fully considered but they are not persuasive.

On page 9, the applicant argues that Rohrl does not teach receiving the authorization signal from the base station and disabling a transmitter of the user terminal.

The examiner respectfully disagrees. Rohrl discloses that the base station 14 is configured such that it records the time of signal emission by the transmitter unit 11, and the time of the reception of a response signal by the receiving unit 12 (in particular, of the checkbits that are relevant to the propagation time). Therefore, real-time measurement takes place in the base station 14, during which the start is determined by the emission of checkbits by the base station 14, and the end is determined by the reception of the corresponding checkbits by the base station 14. The propagation time of the checkbits, i.e., from the emission by the transmitter unit 11 to the reception by the receiving unit 12 is measured and is compared with a maximum admissible reference propagation time. The functions in the motor vehicle are controlled only if the propagation time of the checkbits lies within the reference propagation time and the code information is authorized.

On page 13, the applicant argues that Lambert is completely silent with regard to a MODEM having a software component with software running thereon, as set forth in claim 9.

The examiner respectfully disagrees. Lambert discloses the MODEM has a chip that provides two channels for parallel-to-serial conversion and serial-to-parallel conversion of data, according to number of different synchronous and asynchronous serial formats selectable by suitable programming of the chip, as described in detail in the manufacturer's data sheets relating to the chip, for example the Zilog Component Data Book. Each channel of the chip is also programmable as to the clock division ratio utilized, but for reasons that will become apparent, this ratio is selected to be unity. The serial data format may be chosen to suit the application and does not affect the implementation of the invention. Apart from various control addressing and power supply connections (not shown) which are conventional and do not form part of the invention, the chip has connections to an eight bit parallel data input/output bus 4, a transmitter clock input TXC, a serial data transmit output TXD, a receiver clock input RXC, and a serial data receive input RXD.

On page 14, the applicant argues that Newton's Telecom Dictionary is completely silent as to a device communicating with a base station of a communication system where an authorization signal authorizes the device to communicate with the base station.

The examiner agrees that Newton's Telecom Dictionary is completely silent as to a device communicating with a base station of a communication system where an authorization signal authorizes the device to communicate with the base station. However, Newton's Telecom Dictionary was not used to teach this feature. Rohrl discloses this feature.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8, 10-16 and 18-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Rohrl et al U.S. Patent No. 6,353,776 B1.

As to claim 1, Rohrl et al discloses a method for authorizing a user terminal to communicate with a base station in a communication system, the user terminal including a transmitter for transmitting information to the base station, the method comprising:

determining if an authorization signal has been received at the user terminal within a specified period of time for the transmission of the authorization signal, the authorization signal authorizing the user terminal to communicate with the base station [column 9, lines 11-26]; and

disabling the transmitter of the user terminal providing that the authorization signal has not been received within the specified period of time [column 9, lines 39-48].

As to claims 2, 10 and 19, Rohrl et al discloses the method further comprising:

re-enabling the transmitter of the user terminal upon receipt of the authorization signal [column 9 line 66 to column 10 line 37].

As to claims 3, 11 and 20, Rohrl et al discloses that determining if an authorization signal has been received at the user terminal within a specified period of time further comprises:

starting a timer to count for the specified period of time [column 9, lines 11-26].

determining if the authorization signal has been received at the user terminal prior to the timer expiring at the specified period of time [column 9, lines 11-26].

As to claims 4, 12 and 21, Rohrl et al discloses the method further comprising:

receiving the authorization signal at the user terminal [column 9, lines 11-26];

restarting the timer to count for the specified period of time [column 9, lines 11-26]; and

permitting the user terminal to transmit information via the transmitter to the base station upon receipt of the authorization signal [column 9, lines 11-26].

As to claims 5, 13 and 22, Rohrl et al discloses that permitting the user terminal to transmit information further comprises:

permitting the user terminal to transmit information via the transmitter to the base station upon receipt of the authorization signal until expiration of the specified period of time and non-receipt of a second authorization signal [column 9 line 66 to column 10 line 37].

As to claims 6, 14 and 23, Rohrl et al discloses that determining if the authorization signal has been received at the user terminal prior to the timer expiring at the specified period of time, further comprises:

providing a signal to disable the transmitter of the user terminal providing that the specified period of time on the timer has expired [column 11, lines 6-23]; and

disabling the transmitter of the user terminal [column 11, lines 6-23].

As to claims 7, 15 and 24, Rohrl et al discloses that determining if the authorization signal has been received at the user terminal prior to the timer expiring at the specified period of time, further comprises:

permitting the transmission of information from the transmitter of the user terminal to the base station providing it is determined that a second authorization signal has not been received and the specified period of time on the timer has not expired [column 10, lines 38-62].

As to claim 8, Rohrl et al discloses a device for communicating with a base station of a communication system, the device comprising:

a signal detector that determines if an authorization signal has been received from the base station within a specified period of time for the transmission of the authorization signal, the authorization signal authorizing the device to communicate with the base station [column 9, lines 11-26];

a transmitter that transmits information to the base station [column 9, lines 11-26]; and

a controller that disables the transmitter of the device providing that the authorization signal has not been received within the specified period of time [column 9, lines 39-48].

As to claim 16, Rohrl et al discloses that the device and the base station communicate with each other over a radio communication channel [column 12 line 64 to column 13 line 17].

As to claim 18, Rohrl et al discloses an apparatus for authorizing a user terminal to communicate with a base station in a communication system, the user terminal including a transmitter for transmitting information to the base station, the method comprising:

determining if an authorization signal has been received at the user terminal within a specified period of time for the transmission of the authorization signal, the authorization signal authorizing the user terminal to communicate with the base station [column 9, lines 11-26]; and

disabling the transmitter of the user terminal providing that the authorization signal has not been received within the specified period of time [column 9, lines 39-48].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 9 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrl et al U.S. Patent No. 6,353,776 B1 as applied to claims 8 and 18 above, and further in view of Lambert U.S. Patent No. 5,642,380.

As to claim 9, Rohrl et al teaches means for determining and disabling, as discussed above

Rohrl et al does not teach that the device comprises a modem having a software component with software running thereon and a hardware component that includes the signal detector, transmitter, controller and means for determining and the means for disabling.

Lambert teaches a modem having a software component with software running thereon and a hardware component that includes the signal detector, transmitter, and controller [column 6, lines 8-26].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Rohrl et al so that the radio telephones would have included a modem that would have had a software component with software running thereon and a hardware component that includes the signal detector, transmitter, controller and means for determining and the means for disabling.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Rohrl et al by the teaching of Lambert because This is an advantage when a channel is to be shared with signals intended for human listening [column 6, lines 8-26].

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrl et al U.S. Patent No. 6,353,776 B1 as applied to claim 8 above, and further in view of Newton's Telecom Dictionary (hereinafter Newton).

As to claim 17, Rohrl et al does not teach that the device and the base station communicate with each other in accordance with a Global system for Mobile Communications (GSM) protocol.

Newton teaches the Global system for Mobile Communications (GSM) protocol and its benefits [page 350].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Rohrl et al so that the radio telephones would

have communicated with the base station/control station using the Global system for Mobile Communications (GSM) protocol.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Rohrl et al by the teaching of Newton because GSM ensures interoperability between countries, these ETSI standards address much of the network wireless infrastructure, including the radio interface (900 MHz), switching, signaling and intelligent network [page 350].

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aravind K Moorthy
October 3, 2006

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